

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL
INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

Civil Action No. 01-12257-PBS

STATE OF NEVADA V. AMERICAN
HOME PRODUCTS, ET AL., CA NO.
02-CV-12086-PBS

Judge Patti B. Saris

STATE OF MONTANA V. ABBOTT
LABS., INC., ET AL. D. MONT.
CAUSE NO. CV-02-09-H-DWM

JOINT MOTION TO AMEND CMO NO. 25

Counsel for plaintiffs and defendants in the above actions hereby submit this joint motion to amend Case Management Order ("CMO") No. 25 by adopting the dates set forth below.

CMO No. 25, dated April 12, 2006, and as amended by the Court's July 31, 2006 Order, called for summary judgment motions and defense expert reports on liability to be filed on September 21, 2006, with oppositions to the motions due on November 1, 2006, replies due on November 15, 2006, and a hearing set for December 12, 2006. On August 31, 2006, the States of Montana and Nevada moved to amend CMO No. 25 so as to defer the submission of summary judgment motions and defendants' expert reports until January 2007, after the Class 2 and Class 3 trial. Defendants opposed the motion. On September 12, 2006, the Court indicated that the schedule for both the Montana and Nevada cases would be extended and directed the parties to agree upon a new schedule.

Per the Court's request, the parties have conferred and agreed to the following dates:

Defendants' Expert Reports on Liability	February 8, 2007
Motions for Summary Judgment	February 8, 2007
Summary Judgment Oppositions	March 22, 2007
Summary Judgment Replies	April 5, 2007
Summary Judgment Sur-replies	April 12, 2007
Hearing	To Be Determined

Respectfully submitted,

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Defendants*

Dated: November 1, 2006

CERTIFICATE OF SERVICE

I, Carisa A. Klemeyer, hereby certify that a true copy of the foregoing document was served upon all counsel of record electronically pursuant to Fed. R. Civ. P. 5(b)(2)(D) and CMO No. 2 on this 1st day of November, 2006, by causing a copy to be sent to LexisNexis File & Serve for posting and notification to all counsel of record.

/s/ Carisa A. Klemeyer
Carisa A. Klemeyer